



Staff Report

June 12, 2018

TO: Honorable Mayor and Members of the Town Council
FROM: Jeff Mitchell, Town Attorney
DATE: June 12, 2018
RE: Biennial Review of Conflict of Interest Code and Adoption of Amendments

Recommendation

Approve amendments to the Town's Conflict of Interest Code.

Issue Statement and Discussion

The Political Reform Act requires every local government organization to review its conflict of interest code biennially to determine if it is accurate and up to date or if there are any amendments that need to be made. This determination is made in even numbered years and submitted to the Town Council as the reviewing body to be approved.

This report will serve to comply with the requirement. The Town adopts by reference the model conflict of interest code prepared by the California Fair Political Practices Commission (FPPC), including any modifications that may be approved by the FPPC. No changes to that approach are being proposed. Since the last biennial review, however, the Town has established the Loomis Municipal Library and has appointed individuals to serve as Library Trustees. The Library Board also has a "Board of Advisors" appointed by the Town Council. It is appropriate that both of these groups be included within the Town's Conflict of Interest Code and file the same "Form 700" that Council Members, Planning Commissioners, and senior staff file. To accomplish this, the "List of Designated Positions" and "Disclosure Category" portions of the Code have been updated, and shown in redlining in the attachment.

The next biennial review will be scheduled in accordance with the Political Reform Act in 2020.

CEQA Requirements

The proposed modifications to the Conflict of Interest Code are exempt from CEQA because they are of a kind that could not possibly have an environmental impact.

Financial and/or Policy Implications

None.

Attachments

- A. Conflict of Interest Code (with proposed revisions)

TOWN OF LOOMIS

CONFLICT OF INTEREST CODE

The Political Reform Act, Government Code Sections 81000, et seq., requires state and local government agencies to adopt and promulgate Conflict of Interest Codes. The Fair Political Practices Commission has adopted a regulation 2 California Code of Regulations 18730, which contains the terms of a standard Conflict of Interest Code, which can be incorporated by reference, and which may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act after public notice and hearings (the "Standard Code"). Therefore, the terms of 2 California Code of Regulations 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Exhibit "A" in which officials and employees are designated and disclosure categories are set forth, constitutes the Conflict of Interest Code of the Town of Loomis.

Pursuant to Section 4-(Ab)(5) of the Standard Code, designated employees shall file statements of economic interests with the Town of Loomis. Statements for designated employees will be retained by the Town of Loomis.

TOWN OF LOOMIS
CONFLICT OF INTEREST CODE

EXHIBIT A

Designated Positions

The following are designated positions within the Town of Loomis which involve or may involve the making or participating in the making of decisions which may foreseeably have a material effect on any economic interest and the specific types of investments, and business positions in business entities and income from sources which manufacture, sell or provide, supplies, materials, books, machinery, services or equipment of the type utilized by the agency, interest in real property, and sources of income which are reportable.

Each listed designated position must disclose on appropriate FPPC forms filed with the Town Clerk the disclosure information required by his or her Assigned Disclosure Category.

| <u>List of Designated Positions</u> | <u>Assigned Disclosure Categories</u> |
|-------------------------------------|---------------------------------------|
| Town Council | 1 |
| Town Attorney _____ | 1 |
| Town Clerk | 2 |
| Town Engineer | 2 |
| Town Finance Officer | 1 |
| Town Manager | 1 |
| Town Planning Director | 2, 3 |
| Town Assistant Planner | 2, 3 |
| Town Public Works Director | 2, 3 |
| Town Treasurer | 1 |
| Planning Commissioners | 1 |
| <u>Library Trustees</u> | <u>4</u> |
| <u>Library Board Advisors</u> | <u>4</u> |
| Design Review Committee | 2 |
| Town Consultants | * |

Disclosure Categories

Category 1

All officials and designated employees in this category shall disclose their economic interests as required pursuant to Government Code Sections 87200, et seq.

Category 2

An designated employee in this category could possibly have a conflict due to an interest in a supplier of goods, materials or services to the Town. Income and gifts from, and investments and business positions in, any business entity supplying such goods and services to the affected employees department or to the Town within the previous one year period are to be disclosed, if the value of such goods or services provided to the Town, or the value of funds deposited by the Town in or with such business entity, exceeds the sum of \$5,000.00 during the previous twelve (12) month period.

Category 3

A designated employee in this category must report all investments in real property in or within five (5) miles of the Town's corporate limits or investments and business positions in business entities owning any such property; contracts currently outstanding or completed within the last twelve (12) months for any governmental agency within and including Placer County; and any contracts with any person or entity currently outstanding or completed within the last twelve (12) months concerning land use within the Town or within five miles of the Town's boundaries.

Category 4

A designated employee in this category could possibly have a conflict due to an interest in a supplier of goods, materials or services to the Town Library. Income and gifts from, and investments and business positions in, any business entity supplying such goods materials and services to the Town Library within the previous one year period are to be disclosed, if the value of such goods or services provided to the Town Library, or the value of funds deposited by the Town in or with such business entity in connection with goods, materials or services provided to the Town Library, exceeds the sum of \$5,000.00 during the previous twelve (12) month period.

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

The Town Manager may determine in writing that a particular consultant, although a 'designated position', is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Town Manager's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.

A consultant shall be required to make the disclosure required by this Code prior to the award by the Town of any contract with such consultant.

Amended 12/89
Amended 3/92
Amended 12/98
Amended 9/02
Amended 8/12/08
Amended 9/14/12
Amended 11/11/14
Amended 10/11/16
Amended 06/12/18